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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) Shults et al. Examiner: Unassigned #6  
Serial No.: 09/489,588 Group Art Unit: 1744  
Confirmation No.: Docket: 1146-4 DIV/CON  
Filed: January 21, 2000 Dated: July 19, 2001  
For: DEVICE AND METHOD  
FOR DETERMINING  
ANALYTE LEVELS

Commissioner for Patents  
Washington, DC 20231

*I hereby certify this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to: Commissioner for Patents, Washington, D.C. 20231 on July 19, 2001*

Signature: K.J. Goodhand/ *K.J. Goodhand*

INFORMATION DISCLOSURE STATEMENT

Sir:

In fulfillment of the requirements of candor and good faith set forth in 37 C.F.R.

§1.56, Applicant submits herewith the following Information Disclosure Statement in accordance with the provisions of 37 C.F.R. §1.97 and 1.98.

As this Information Disclosure Statement is being filed with the application and before the issuance of the first Office Action, no fee is deemed necessary.

I. U.S. PATENTS

<u>U.S. PATENT NO.</u>	<u>TITLE</u>	<u>ISSUE DATE</u>
* 4,353,888 to Selfton	Encapsulation of Live Animal Cells	October 12, 1982
* 4,431,004 to	Implantable Glucose Sensor	February 14, 1984

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<u>U.S. PATENT NO.</u>	<u>TITLE</u>	<u>ISSUE DATE</u>
Bessman et al. 4,436,094 to Cerami	Monitor for Continuous in Vivo Measurement of Glucose Concentration	March 13, 1984
4,484,987 to Gough	Method and Membrane Applicable to Implantable Sensor	November 27, 1984
* 4,686,044 to Behnke et al.	Polycarbonate-Polyether-Copolymer Membrane	August 11, 1987
* 4,703,756 to Gough et al.	Complete Glucose Monitoring System with an Implantable, Telemetered Sensor Module	November 3, 1987
* 4,757,022 to Shults et al.	Biological Fluid Measuring Device	July 12, 1988
* 4,787,398 to Garcia et al.	Glucose Medical Monitoring System	November 29, 1988
* 4,803,243 to Fujimoto et al.	Block-Graft Copolymer	February 7, 1989
* 4,823,808 to Clegg et al.	Method for Control of Obesity, Overweight and Eating Disorders	April 25, 1989
* 4,902,294 to Gosserez	Implantable Mammary Prosthesis Adapted to Combat the Formation of Retractile Shell	February 20, 1990
* 4,994,167 to Shults et al.	Biological Fluid Measuring Device	February 19, 1991
* 5,190,041 to Palti	System for Monitoring and Controlling Blood Glucose	March 2, 1993
5,314,471 to Brauker et al.	Tissue Inplant Systems and Methods for Sustaining Viable High Cell Densities Within a Host	May 24, 1994
* 5,321,414 to Alden et al.	Dual Polarization Dipole Array Antenna	June 14, 1994

<u>U.S. PATENT NO.</u>	<u>TITLE</u>	<u>ISSUE DATE</u>
5,344,454 to Clarke et al.	Closed Porous Chambers for Implanting Tissue in a Host	September 6, 1994
* 5,380,536 to Hubbell et al.	Biocompatible Microcapsules	January 10, 1995
5,417,395 to Fowler et al.	Modular Interconnecting Component Support Plate	May 23, 1995
5,421,923 to Clarke et al.	Ultrasonic Welding Horn with Sonics Dampening Insert	June 6, 1995
* 5,431,160 to Wilkins	Miniature Implantable Refillable Glucose Sensor and Material Therefor	July 11, 1995
* 5,453,278 to Cham et al.	Laminated Barriers for Tissue Implants	September 26, 1995
5,462,064 to D'Angelo et al.	Integrated System for Biological Fluid Constituent Analysis	October 31, 1995
* 5,469,846 to Khan	Implantable Non-Enzymatic Electrochemical Glucose Sensor	November 28, 1995
* 5,476,094 to Allen et al.	Acrylic Copolymer Membranes for Biosensors	December 19, 1995
* 5,497,772 to Schulman et al.	Glucose Monitoring System	March 12, 1996
5,545,223 to Neuenfeldt et al.	Ported Tissue Implant Systems and Methods of Using Same	August 13, 1996
5,549,675 to Neuenfeldt et al.	Method for Implanting Tissue in a Host	August 23, 1996
5,569,462 to Martinson et al.	Methods for Enhancing Vascularization of Implant Devices	October 29, 1996
5,578,463 to Berka et al.	Heterologous Polypeptides Expressed in Filamentous Fungi, Processes for Making Same, and Vectors for Making Same	November 26, 1996

<u>U.S. PATENT NO.</u>	<u>TITLE</u>	<u>ISSUE DATE</u>
5,593,440 to Brauker et al.	Tissue Implant Systems and Methods for Sustaining Viable High Cell Densities Within a Host	January 14, 1997
5,653,756 to Clarke et al.	Closed Porous Chambers for Implanting Tissue in a Host	August 5, 1997
* 5,660,163 to Schulman et al.	Glucose Sensor Assembly	August 26, 1997
5,713,888 to Neuenfeldt et al.	Tissue Implant Systems	February 3, 1998
5,733,336 to Neuenfeldt et al.	Ported Tissue Implant Systems and Methods of Using Same	March 31, 1998
* 5,741,330 to Brauker et al.	Close Vascularization Implant Material	April 21, 1998
5,782,912 to Brauker et al.	Close Vascularization Implant Material	July 21, 1998
5,800,529 to Brauker et al.	Close Vascularization Implant Material	September 1, 1998
5,807,406 to Brauker et al.	Porous Microfabricated Polymer Membrane Structures	September 15, 1998
5,882,354 to Brauker et al.	Close Vascularization Implant Material	March 16, 1999
5,964,261 to Neuenfeldt et al.	Implantation Assembly	October 12, 1999
6,122,536 to Sun et al.	Implantable Sensor and System for Measurement and Control of Blood Constituent Levels	September 19, 2000
6,208,894 to Schulman et al.	System of Implantable Devices for Monitoring and/or Affecting body Parameters	March 27, 2001

<u>U.S. PATENT NO.</u>	<u>TITLE</u>	<u>ISSUE DATE</u>
6,212,416 to Ward et al	Device for Monitoring Changes in Analyte Concentration	April 3, 2001
6,256,522 B1 to Schultz	Sensors for Continuous Monitoring of Biochemicals and Related Method	July 3, 2001
6,259,937 to Schulman et al.	Implantable Substrate Sensor	July 10, 2001

## II. FOREIGN PATENT DOCUMENTS

<u>PATENT NO.</u>	<u>COUNTRY</u>	<u>ISSUE DATE</u>
WO 90/00738	PCT	January 25, 1990
* WO 92/07525	PCT	May 14, 1992
* WO 92/13271	PCT	August 6, 1992
* WO 94/22367	PCT	October 13, 1994
* WO 96/01611	PCT	January 25, 1996
* WO 96/32076	PCT	October 17, 1996
* WO 96/36296	PCT	November 21, 1996

## III. NON-PATENT DOCUMENTS

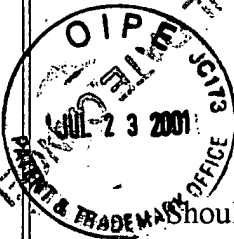
- \* 1. Updike et al., "Laboratory Evaluation of New Reusable Blood Glucose Sensor," *Diabetes Care*, 11:801-807 (1988).
- \*2. Moatti-Sirat et al., "Towards Continuous Glucose Monitoring: In Vivo Evaluation of a Miniaturized Glucose Sensor Implanted for Several Days in Rat Subcutaneous Tissue," *Diabetologia* 35:224-30 (1992).
- \*3. Armour et al., "Application of Chronic Intravascular Blood Glucose Sensor in Dogs," *Diabetes* 39:1519-26 (1990).

- \*4. Woodward, "How Fibroblasts and Giant Cells Encapsulate Implants: Considerations in Design of Glucose Sensor," *Diabetes Care* 5:278-281 (1982).
- \*5. Bindra et al., "Design and In Vitro Studies of a Needle-Type Glucose Sensor for Subcutaneous Monitoring," *Anal. Chem.* 63:1692-96 (1991).
- \*6. Shults et al., A Telemetry-Instrumentation System for Monitoring Multiple Subcutaneously Impaired Glucose Sensors, *IEEE Trans, Biomed. Eng.* 41:937-942 (1994).
- \*7. Phillips and Smith, "Biomedical Applications of Polyurethanes: Implications of Failure Mechanisms," *J. Biomat. Appl.* 3:202-227 (1988).
- \*8. Stokes, "Polyether Polyurethanes: Biostable or Not?," *J. Biomat. Appl.* 3:228-259 (1988).
- \*9. Updike et al. Enzymatic Glucose Sensors: Improved Long-Term Performance In Vitro and In Vivo, *Am.Soc. Artificial Internal Organs* 40:157-163 (1994).
- \*10. Updike et al., Implanting the Glucose Enzyme Electrode: Problems, Progress, and Alternative Solutions," *Diabetes Care* 5:207-21 (1982).
- \*11. Rhodes et al., "Prediction of Pocket-Portable and Implantable Glucose Enzyme Electrode Performance from Combined Species Permeability and Digital Simulation Analysis," *Anal. Chem.* 66:1520-1529 (1994).
- \*12. Tse and Gough, Time-Dependent Inactivation of Immobilized Glucose Oxidase and Catalase, *Biotechnol. Bioeng.* 29:705-713 (1987).
- \*13. Gilligan et al., "Evaluation of a Subcutaneous Glucose Sensor Out to 3 Months in a Dog Model," *Diabetes Care* 17:882-887 (1994).
- \*14. McKean and Gough, "A Telemetry-Instrumentation System for Chronically Implanted Glucose and Oxygen Sensors," *IEEE Trans. Biomed. Eng.* 35:526-532 (1988).
- \*15. Shichiri et al., "Telemetry Glucose Monitoring Device with Needle-Type Glucose Sensor-A Useful Tool for Blood Glucose Monitoring in Diabetic Individuals," *Diabetes Care* 9:298-301 (1986).
- \*16. Lyman, "Polyurethanes. I. The Solution Polymerization of Diisocyanates with Ethylene Glycol," *J. Polymer Sci.* 45:49 (1960).
- \*17. DuPont<sup>1</sup> Dimension AR® (Catalog).
- \*18. Direct 30/30® meter (Markwell Medical) (Catalog).

- \*19. Fischer et al., "Oxygen Tension at the Subcutaneous Implantation Site of Glucose Sensors," *Biomed. Biochem.* 11/12, 965-972 (1989).
- \*20. Brauker et al., "Neovascularization of Synthetic Membranes Directed by Membrane Microarchitecture," *Journal of Biomedical Materials Research* 29:1517 (1995).
- \*21. Abstract presented by James Brauker, Ph.D., "Neovascularization of Cell Transplantation Devices: Membrane Architecture-Driven and Implanted Tissue-Driven Vascularization," Baxter Healthcare Corp.
- 22. Brauker et al., "Local Inflammatory Response Around Diffusion Chambers Containing Xenografts", *Transplantation*, Vol. 61, 1671-1677, No. 12, June 27, 1996.

Copies of each of the references denoted by an asterisk (\*) have been previously cited in related application, U.S. Serial No. 08/811,473, now Patent No. 6,001,067, issued December 14, 1999. Accordingly, the Examiner is invited to refer to such prior application for copies of each of the references. Copies of references not previously cited are submitted herewith.

All of the references listed above are also listed on Applicant's Substitute Form PTO-1449 which is attached to this Information Disclosure Statement for the convenience of the Examiner.



Should the Examiner have any questions or comments concerning the above, the Examiner is respectfully invited to contact the undersigned attorney at the telephone number set forth below.



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